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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOHN D. HALTIGAN,

Plaintiff,

No. 5:23-cv-02437-EJD

V.

MICHAEL V. DRAKE, in his official capacity as President of the University of California; CYNTHIA K. LARIVE, in her official capacity as Chancellor of UC Santa Cruz; BENJAMIN C. STORM, in his official capacity as Chair of the UC Santa Cruz Psychology Department; and KATHARYNE MITCHELL, in her official capacity as Dean of the UC Santa Cruz Division of Social Sciences.

**MOTION TO DISMISS APPEAL
WITHOUT PREJUDICE**

Judge: Hon. Edward J. Davila

Defendants.

1 Pursuant Fed. R. App. Proc. 42(a), Plaintiff moves to dismiss without prejudice
2 the pending appeal to the 9th Circuit Court of Appeals. The appeal has not yet been
3 docketed by the 9th Circuit. Plaintiff intends to file Notice of Intent to Rest on
4 Complaint, and file a new appeal on the final judgment.

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6 DATED: December 17, 2024.

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Respectfully submitted,

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JOSHUA P. THOMPSON
WILSON C. FREEMAN*
JACK E. BROWN*

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By _____ /s/ Wilson C. Freeman _____
WILSON C. FREEMAN*
Attorneys for Plaintiff

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**pro hac vice*

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2024, Opposing Counsel received the foregoing MOTION TO DISMISS APPEAL via CM/ECF service.

By /s/ Wilson C. Freeman
WILSON C. FREEMAN

Attorney for Plaintiff